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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gerald W. Fischer et al. Confirmation No. 5776
Application No.: 09/893,615 Group Art Unit: 1645
Filing Date: June 29, 2001 Examiner: Virginia Allen Portner
For: OPSONIC AND PROTECTIVE Attorney Docket No.: 103901-4199
MONOCLONAL AND CHIMERIC
ANTIBODIES SPECIFIC FOR
LIPOTEICHOIC ACID OF GRAM
POSITIVE BACTERIA

**AMENDMENT AND RESPONSE TO
NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 C.F.R. §1.121**

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed September 22, 2004, Applicants hereby respectfully re-submit and request entry of the following amendments and remarks into the record of the above-captioned application. This Amendment replaces the Amendment previously submitted on September 14, 2004.

The **CLAIMS** section of this paper begins on page 2.

The **REMARKS** section of this paper begins on page 6.

No fees are believed to be due in connection with this submission. Should any fees be required, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814.